

REMARKS

The application has been amended so as to place it in condition for allowance at the time of the next Official Action.

The Official Action includes copies of two separately filed Forms 1449 made of record by the applicant in this application. The first such Information Disclosure Statement indicates receipt by the U.S. Patent and Trademark Office in July of 2003. Among the items listed is a Japanese reference, the entry for which has been lined through.

Similarly, the second Information Disclosure Statement from June of 2004 identifies three Japanese references, each of which is lined through. The text of the Official Action makes no reference to the documents in question.

As non-English language references, the applicant is not compelled to produce a full English language translation for the reference. Instead, the applicant is required only to provide a concise explanation of relevance for each such non-English language reference. Applicant has fully met such requirement by providing an English language translation of the pertinent portions of the foreign Official Actions that first brought to light the references identified in the respective Information Disclosure Statements.

Having fully complied with the requirements of U.S. practice in providing the concise explanation of relevance, the

Examiner is compelled to consider such references during examination.

If the next Official Action issued in this case includes a rejection based on one or more of the Japanese references identified above, applicant respectfully suggests that such action must be non-final, as the applicant has provided all that is required by the Code of Federal Regulations, well prior to the first Official Action.

The Official Action rejects claims 1-12 under 35 USC §103(a) as being unpatentable over JOHANSSON et al. 6,333,936 in view of KATINAKIS et al. 6,389,039. Reconsideration and withdrawal of this rejection are respectfully requested for the following reasons:

The Official Action identifies those features of the JOHANSSON et al. reference interpreted as meeting the recitations of the rejected claims. As to independent claim 1, particular reliance is placed upon the illustrations of Figures 3 and 8 of JOHANSSON et al.

The Official Action acknowledges that the primary reference fails to suggest a resource detection and acquisition means located in each terminal unit as recited in claim 1. It is for this and related features that the Official Action offers the secondary KATINAKIS reference.

Applicant has amended the recitation of the resource map database in claim 1 to clarify that the database identifies

not only the resources themselves, but further identifies the terminal units to which such resources are allocated.

The KATINAKIS reference describes a cellular communication system. As would be expected for such a system, a given cellular communication device may require a different or additional channel. Accordingly, the identity of such available resources may be a component of such a system, and the KATINAKIS reference contemplates such resource availability.

However, neither the cellular communication system of KATINAKIS nor that of any other reference identifies to each terminal unit not only the resource, but also the terminal unit to which such resource is allocated. This is clearly an element of the invention claimed in claim 1. It is, however, entirely lacking from either of the applied references.

Additionally, the invention claimed in claim 1 is recited in terms of the central points of resources. Such an approach to the identification of resources allows for the secondary identification of allocated resources that can be characterized as adjacent. This feature is entirely lacking from any of the references applied.

Thus, applicant respectfully submits that independent claim 1 is patentable over the applied references. In addition, applicant submits that claim 5 and 9 are allowable for at least reasons analogous to those discussed above with respect to claim 1. Further, applicant respectfully submits that rejected

dependent claims 2-4, 6-8 and 10-12 are allowable, at least by virtue of their dependency.

Applicant has added new claims 13-15, which depend from independent claims 1, 5 and 9, respectively. Each of such claims 13-15 further recites that each of a plurality of the terminal units is connected to a same resource monitoring device, with the resource map in the resource monitoring device including information that describes resource usage by each of the multiple terminal units that is connected to the single resource monitoring device.

The characteristic of the invention claimed in claims 13-15 that is lacking from the cited art is the relationship between the recited resource monitoring device and terminal units. In applying the cited references, the Official Action identifies element 164 of Figure 8 of JOHANSSON et al. as the recited terminal unit, and base station 162 as the recited resource monitoring device of a network. Within each base station 162, the illustrated resource pool 12 is interpreted as a resource map database, and the resource handler 11 as a resource management means.

Irrespective of the appropriateness of characterizing the various elements of the JOHANSSON et al. network in terms of the claim elements recited in claims 13-15, Figure 8 of the reference points out a fundamental distinction between the topography of the JOHANSSON et al. network and that of the

invention claimed in claims 13-15. It is immediately evident that the invention claimed in claims 13-15 is arranged such that each of a plurality of terminal units is connected to, and receives resource map information from, a common resource monitoring device.

In stark contrast, the JOHANSSON et al. arrangement requires each terminal unit 164 to have its own base station 162, interpreted as the resource monitoring device. As such, claims 13-15 now even more clearly recite an invention that is not suggested by the applied references, as the primary JOHANSSON et al. arrangement takes an entirely different approach as to resource management.

In addition to the amendments identified above, applicant has added new claims 16-24 to obtain more varied protections for the invention which are merited by the disclosure. Claims 16-18 relate to a resource monitoring device and claims 19-24 relate to a terminal unit. These new claims 16-18 are patentable over the applied reference due to their novel and unobvious features, which are neither taught or suggested by the applied art.

In light of the amendments described above and the arguments offered in support thereof, applicant believes that the present application is in condition for allowance and an early indication of the same is respectfully requested.

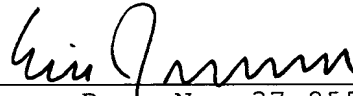
If the Examiner has any questions or requires further clarification of any of the above points, the Examiner may contact the undersigned attorney so that this application may continue to be expeditiously advanced.

Please charge the fee of \$600 for the addition of three independent claims and \$200 for the four claims of any type.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON



Eric Jensen, Reg. No. 37,855
745 South 23rd Street
Arlington, VA 22202
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

EJ/lrs